

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-1717

ELLENI WOLDE KEFLE,

Petitioner,

versus

JOHN ASHCROFT, U.S. Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A79-498-701)

Submitted: December 10, 2004

Decided: January 13, 2005

Before MICHAEL, TRAXLER, and KING, Circuit Judges.

Petition dismissed by unpublished per curiam opinion.

Aragaw Mehari, Washington, D.C., for Petitioner. Peter D. Keisler, Assistant Attorney General, M. Jocelyn Lopez Wright, Assistant Director, Larry P. Cote, Office of Immigration Litigation, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Elleni Wolde Kefle, a native and citizen of Ethiopia, petitions for review of an order of the Board of Immigration Appeals (Board) dismissing her appeal from the immigration judge's denial of her application for asylum, withholding of removal, and protection under the Convention Against Torture.

Kefle contends the immigration judge erred when he found her asylum application was untimely. We conclude we lack jurisdiction to review this claim. See 8 U.S.C. § 1158(a)(3) (2000). Kefle next contends the Board erred when it denied her withholding of removal claim. We have reviewed the administrative record and conclude Kefle did not exhaust her administrative remedies with respect to this claim because she did not properly present it in her appeal to the Board. See 8 U.S.C. § 1252(d)(1) (2000); Asika v. Ashcroft, 362 F.3d 264, 267 n.3 (4th Cir. 2004).

Accordingly, we dismiss the petition for review. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DISMISSED